

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES MCCLOSKEY, [AY-3992], : CIVIL ACTION

Petitioner : :

:

v. : NO. 05-230

:

PENNSYLVANIA BOARD OF : :

PROBATION AND PAROLE, et al., : :

Respondents : :

ORDER

STENGEL, J.

AND NOW, this day of December, 2005, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Government's Response and Petitioner's Reply thereto, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus (Dkt. Nos. 1,3) is **DENIED** with prejudice;
3. Petitioner's Application for an Immediate Evidentiary Hearing (Dkt. Nos. 17, 21), his Petition for the Court to take Judicial Notice (Dkt. No. 24), his Motion to Expedite (Dkt. No. 26), and his Amendment and Motion for Leave to Amend Petition for Writ of Habeas Corpus (Dkt. No. 27) are **DENIED**.
4. A certificate of appealability **SHALL NOT** issue because we do not believe Petitioner has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); and

5. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

LAWRENCE F. STENGEL, J.